

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HH ST. LOUIS RAILWAY LP,)	
MISSOURI DEVELOPMENT FINANCE)	
BOARD, and RAILWAY EXCHANGE)	
OWNER, LLC,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:18-cv-01132-JAR
)	
AFFILIATED FM INSURANCE)	JURY TRIAL DEMANDED
COMPANY,)	
)	
Defendant.)	
)	

AFFILIATED FM INSURANCE COMPANY'S
CROSS MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Defendant Affiliated FM Insurance Company ("AFM") hereby moves for partial summary judgment and requests that the Court grant summary adjudication as follows:

1. The AFM policy's Valuation provision is enforceable and does not conflict with Missouri Revised Statute section 379.150;
2. The AFM Policy's Valuation provision permits AFM to deduct the value of the land from the selling price of real property; and
3. The selling price of the Railway Exchange Building was \$9 million.

There no genuine issue of material fact with respect to these issues, and AFM is entitled to judgment as a matter of law.

WHEREFORE, Defendant AFM respectfully requests that this Court grant partial summary judgment in its favor on these issues and for such further relief the Court deems appropriate.

Dated: July 27, 2018

Respectfully submitted,

TUCKER ELLIS LLP

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Insurance Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of July, 2018 a true and correct copy of the foregoing instrument was electronically filed with the Clerk of Court and served to all counsel of record via the Court's CM/ECF System.

/s/ Sandra J. Wunderlich
Attorney for Defendant
Affiliated FM Insurance Company